

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANITA BROWN,	:	Case No. 3:14-cv-00451
	:	
Plaintiff,	:	
	:	District Judge Thomas M. Rose
	:	
vs.	:	Chief Magistrate Judge Sharon L. Ovington
	:	
COMMISSIONER OF THE SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

The United States Court of Appeals for the Sixth Circuit recently remanded this case under Fed. R. App. P. 12.1(b) and 42(b) (Doc. 22) for the purpose of modifying this Court's previously entered judgment. The remand and modification were necessary given this Court's indication that it was "inclined to grant relief from its March 2, 2016 judgment entry should the court of appeals remand for that purpose." (Doc. 21). The case is presently pending upon the parties' Joint Motion For Relief From Judgment Pursuant To Federal Rule Of Civil Procedure 60(b), And For Judgment Entry Reversing With Remand The Commissioner's Decision. (Doc. 23).

For good cause shown, and in light of the parties' agreement, modification of the Court's previous judgment is warranted under Fed. R. Civ. P. 60(b)(6). As a result, the Commissioner's final decision is reversed and this matter is remanded to the Social Security Administration for further proceedings pursuant to 42 U.S.C. § 405(g). The parties agree that, upon remand, the Administrative Law Judge will re-evaluate Plaintiff's

Social Security disability benefits application under the rules and regulations, including evaluating the limitations indicated in the opinion evidence from treating and reviewing physicians and psychologists; providing Plaintiff with the opportunity to submit additional evidence and to appear at a hearing; and issuing a decision.

It is therefore **ORDERED** that:

1. The parties' Joint Motion For Relief From Judgment Pursuant To Federal Rule Of Civil Procedure 60(b), And For Judgment Entry Reversing With Remand The Commissioner's Decision (Doc. 23) is GRANTED;
2. The Court's March 2, 2016 judgment entry (Docs. 15, 16) is modified, and the Commissioner's final decision is reversed with remand as set forth herein; and
3. The case remains terminated on the docket of this Court.

DONE and **ORDERED** in Dayton, Ohio, this Tuesday, July 19, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE